

**Court No. - 40**

**Case :-** WRIT - C No. - 34885 of 2023

**Petitioner :-** Yash Kumar Gautam

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Himanshu Srivastava

**Counsel for Respondent :-** C.S.C.

**Hon'ble Mahesh Chandra Tripathi,J.**

**Hon'ble Prashant Kumar,J.**

1. Heard learned counsel for the petitioner and Shri R.M. Upadhyay, learned Additional Chief Standing Counsel for the State respondents.

2. Present writ petition is filed with following principal relief:-

*"Issue a writ, order or direction, in the nature of mandamus commanding/directing the District Magistrate/District Election Officer, Meerut-respondent no.2 to release the monetary assistant as per Scheme of Payment of Ex-gratia amount to the dependents of deceased employee (petitioner's wife namely Namely Gautam) died due to Covid-19 on duty, by Government of Uttar Pradesh within time specified by this Court."*

3. Learned counsel for the petitioner submits that as per record it is admitted situation that petitioner's wife had performed election duty in the midst of Covid-19 spread. He submits that in similar circumstances, several incumbents have approached this Court and the bunch of writ petition was entertained with leading Writ C No.28249/2021 (Kusum Lata Yadav vs. State of U.P. and others) alongwith connected matters. While placing record in Kusum Lata Yadav (supra), the claim of the petitioner as well as other incumbents was negated by the State on the ground that it was not in consonance with the aforesaid Government Orders and the death occurred after 30 days of the election duty. The Division Bench of this Court by order dated 25.07.2022 had allowed the matters on merit after hearing the parties at length and as such, similar relief is liable to be extended to the petitioner also.

4. So far as factual and legal aspect is concerned, the same is not disputed by learned Additional Chief Standing Counsel.

5. Considering the facts and circumstances, the writ petition is ***disposed of*** in terms of Kusum Lata Yadav (supra).

**Order Date :-** 2.12.2023

**A. Pandey**